In the High Court of Punjab and Haryana at Chandigarh.

FAO No.3394 of 2002

Date of decision: 19.12.2007.

Baljit Kaur and another ... Appellants

Versus

Baldev Singh and others. ... Respondents.

Present: Mr.Rakesh Kumar, Advocate,for the appellants.

None for respondent No.1.

Mr.AS Gill, Advocate,for respondent No.2.

Mr.NK Khosla, Advocate, for respondent No.3.

PERMOD KOHLI, J. (Oral):

This is claimants appeal for enhancement of compensation. For the purposes of the relief claimed, I need not go into the details of the claim. However, the admitted facts are that Harpreet Singh, aged 11 years, a student son of the claimant-appellants herein died in a vehicular accident on 07.10.2000. He was riding in a Bullock Cart with his grand-father, Nirmal Singh, his brother Gurpreet Singh and his cousin Kamaldeep Singh. The Bullock Cart was hit by a tractor trolly bearing registration No.PB-08-J-5947 driven by respondent No.1, Baldev Singh and owned by respondent No.2, Jang Bahadur Singh Sangha. A claim petition No.29 of 2000 was filed before the M.A.C.T., Kapurthala. The Tribunal has assessed the

compensation for the death of Harpreet Singh and awarded a sum of Rs.1,44,000/-.

The learned counsel appearing for the claimant-appellants has relied upon a judgment of the Hon'ble Supreme Court reported as Manju Devi and another Vs. Musafir Paswan and another, 2005, ACJ, 99, wherein the Apex Court has held that in case of death of a non-earning person, the notional income is to be assessed at Rs.15,000/- per annum and multiplier of 15 should be applied.

In view of the aforesaid judgment, I allow this appeal and award the compensation to the claimant-appellants by assessing the notional income of the deceased at Rs.15,000/- per annum with multiplier of 15 which comes to Rs.2,25,000/-. The Tribunal has awarded interest at the rate of 9% per annum. However, I feel that keeping in view the prevalent interest, the rate of interest should be 7.5 % per annum. Let the amount of compensation be paid to the appellants within a period of three months from today.

19.12.207. (PERMOD KOHLI)
BLS JUDGE

Note: Whether to be referred to the Reporter? YES/ NO